

Aug 03, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SECURITY NATIONAL
INSURANCE COMPANY,

Plaintiff,

v.

CONSTRUCTION ASSOCIATES OF
SPOKANE, INC.,

Defendant.

No. 2:20-cv-00167-SMJ

**ORDER GRANTING MARK AND
JENNIFER WILSON'S MOTION
TO INTERVENE AND DENYING
DEFENDANT'S MOTION TO
JOIN AS MOOT**

Before the Court, without oral argument, are Mark and Jennifer Wilson's Motion to Intervene and Join as Defendants, ECF No. 8, and Defendant's Motion to Join Mark and Jennifer Wilson as Defendants, ECF No. 11. Mark and Jennifer Wilson and Defendant Construction Associates of Spokane, Inc. assert the Wilsons have been assigned all of Defendant's rights and claims at issue in this action. ECF Nos. 8, 11. Plaintiff's response to the motions indicates Plaintiff is not opposed to permissive intervention under Federal Rule of Civil Procedure 24(a)(2) or joinder under Rule 25. ECF No. 12. Having reviewed the motions and the file in this matter, the Court is fully informed and grants the motion to intervene under Federal Rule of Civil Procedure 24(b)(1)(B) and denies Defendant's motion to join as moot.

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1 The Wilsons and Defendant assert that they executed an agreement whereby
2 Defendant assigned its rights to bring certain claims against Plaintiff to the Wilsons.
3 ECF No. 8 at 4; ECF No. 11 at 1 (incorporating factual summary from the Wilsons'
4 motion). Plaintiff raises various allegations related to Defendant's alleged attempt
5 to assign meritless claims to the Wilsons in bad faith but does not dispute that the
6 Wilsons' and Defendants have entered into an agreement to assign any such claims.
7 ECF No. 12 at 3–4.

8 Mark and Jennifer Wilson assert three grounds for intervention:
9 (i) intervention as of right under Rule 24(a)(1), (ii) permissive intervention under
10 Rule 24(b)(1)(B), and (iii) joinder under Rule 25. ECF No. 8. Defendant also seeks
11 to have Mark and Jennifer Wilson joined on three grounds: (i) as required parties
12 under Rule 19(a)(1)(A) and (ii) as required parties under Rule 19(a)(1)(B)(i), or
13 (iii), alternatively, as parties who may be joined under Rule 20(a)(2)(B). ECF
14 No. 11. Plaintiff agrees only to permissive intervention under Rule 24(b)(1)(B) or
15 joinder under Rule 25. ECF No. 12 at 5. Plaintiff argues it is premature to determine
16 whether the Wilsons qualify for intervention as a right under Rule 24(a)(1), and
17 Plaintiff does not address the remaining grounds for joinder. *Id.*

18 After reviewing the briefing in this matter, it is evident that the Wilsons'
19 motion to intervene should be granted under Rule 24(b)(1)(B). Rule 24 permits
20 "anyone to intervene who . . . has a claim or defense that shares with the main action

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1 a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). Here, the parties
2 and the Wilsons agree that the Wilsons’s assigned claims against Plaintiff share
3 common questions of law and fact with Plaintiff’s claims against Defendant. ECF
4 No. 8 at 11; ECF No. 11 at 3; ECF No. 12 at 5. The Court agrees. As such, the
5 Wilson’s Motion to Intervene and Join as Defendants is granted, and Mark and
6 Jennifer Wilson shall be added as Intervenor-Defendants. Defendant’s Motion to
7 Join Mark and Jennifer Wilson as Defendants is denied as moot.

8 Accordingly, **IT IS HEREBY ORDERED:**

- 9 1. Mark and Jennifer Wilson’s Motion to Intervene and Join as
10 Defendants, **ECF No. 8**, is **GRANTED**.
- 11 2. Defendant’s Motion to Join Mark and Jennifer Wilson as Defendants,
12 **ECF No. 11**, is **DENIED AS MOOT**.
- 13 3. Mark Wilson and Jennifer Wilson shall be added to this action as
14 Intervenor-Defendants

15 **IT IS SO ORDERED.** The Clerk’s Office is directed to enter this Order and
16 provide copies to all counsel.

17 **DATED** this 3rd day of August 2020.

18 
19 SALVADOR MENDEZ, JR.
20 United States District Judge

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